

#23 \$DAC



Attorney Docket No.: 6211P001

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

Johannes R. Gerardus De Vries

Serial No.: 08/966,954

Filing Date: November 10, 1997

For: DATA PROCESSING CIRCUIT,  
MULTIPLIER UNIT WITH PIPELINE,  
ALU AND SHIFT REGISTER UNIT  
FOR USE IN A DATA PROCESSING  
CIRCUIT

Examiner: Ngu, C.

Art Unit: 2787

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Assistant Commissioner for Patents  
Washington, D.C. 20231

PETITION TO REVIVE  
UNDER 37 C.F.R. § 1.137(b) BASED ON UNINTENTIONAL ABANDONMENT

Sir:

Applicant hereby petitions for revival of the present application under 37 CFR § 1.137(b), based on unintentional abandonment of the application. The application was abandoned as a result of Applicant's failure to respond to the Office action mailed on December 28, 1999.

In support of this petition, enclosed herewith are a Declaration by Motoaki Saito, M.D., describing the circumstances of the abandonment and a Declaration by James A. Finder. Also enclosed are an Amendment and Response to the above-mentioned Office Action and the petition fee required under 37 CFR § 1.17(m).

Applicant hereby states that the entire delay in filing the accompanying Amendment and Response, from the due date for responding to the above-mentioned Office Action until the filing of this petition, was unintentional.

08/27/2002 AMONDAF1 00000051 02966954

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The present application was filed on November 10, 1997 under former rule 1.62 of 37 C.F.R., as a file wrapper continuation of application no. 08/422,264. Because this file wrapper continuation was filed after June 8, 1995, no terminal disclaimer is believed to be required under 37 CFR § 1.137(d). The parent of the file wrapper continuation (present application) was filed on April 14, 1995, claiming priority from Netherlands patent application 9400607 filed on April 15, 1994 ("the Dutch application").

Enclosed is a check for \$640.00 for the petition fee required under 37 CFR § 1.17(m). If any additional fee is required, please charge Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 8/20/02

Jordan M. Becker  
Jordan M. Becker  
Reg. No. 39,602

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

August 20, 2002  
(Date of Deposit)

Julie Arango  
(Typed or printed name of person mailing correspondence)

Julie Arango 8/20/02  
(Signature of person mailing correspondence)

Attorney Docket No.: 6211P001

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DECLARATION OF MOTOAKI SAITO, M.D.

1. I, Motoaki Saito, M.D., am Managing Director of Arcobel Graphics B.V., the assignee of the present application ("Assignee"). Assignee is a corporation incorporated in the Netherlands and had a principal place of business in the Netherlands when the application became abandoned. I am also President and Chief Executive Officer of GenTera, Inc., of San Mateo, California, which is the shareholder of 100 percent of Assignee.

2. I have ultimate authority and responsibility for making decisions regarding the intellectual property of Assignee, including prosecution of the present application.

3. The present application was not intentionally allowed to become abandoned. As explained further below, the abandonment resulted from a miscommunication between me and an employee to whom I had delegated responsibility for managing prosecution of the present application. This miscommunication, it is believed, resulted at least partially from language differences and geographic separation between us.

4. Prior to submission of this Declaration and the accompanying Petition to Revive, the attorneys with the responsibility for prosecuting the present application were James Finder of the law firm of Ostrolenk Faber Gerb & Soffen in New York City and one or more other attorneys of that firm under Mr. Finder's supervision (hereinafter referred to collectively as "the U.S. attorney"). The U.S. attorney relied exclusively upon instructions from Addick A.G. Land (hereinafter "the Dutch attorney") of the law firm of Arnold & Seisma in The Hague, Netherlands, for all prosecution-related decisions regarding the present application.

5. The individual to whom I had delegated primary responsibility for instructing and communicating with the Dutch attorney regarding the present application is Sjef ten Den, an employee of Assignee prior to the date of abandonment. Mr. ten Den originates from the Netherlands and resided in the Netherlands during prosecution of the present application and when the present application was abandoned.

6. English is the only language which I and Mr. ten Den speak in common. However, English is not the native language of either of us, nor is it our language of greatest proficiency. The native language of Mr. ten Den is Dutch. My native language is Japanese. Mr. ten Den and I did not use any interpreter for purposes of communicating with each other.

7. The present application was allowed to become abandoned based on instructions from the Dutch attorney to the U.S. attorney not to respond to the Office Action dated December 28, 1999. The Dutch attorney's instructions to the U.S. attorney in this regard were based on instructions he had received from Mr. ten Den.


8. The instructions from Mr. ten Den to the Dutch attorney were based on a miscommunication between me and Mr. ten Den regarding the status of the present application. Mr. ten Den mistakenly concluded, from communications between us in early 2000, that I (as Managing Director of Assignee) did not want the present application to be prosecuted further, and he advised the Dutch attorney accordingly. It is believed that this miscommunication was due, at least in part, to the above-noted language differences between us. The Dutch attorney consequently communicated to the U.S. attorney that Assignee was no longer interested in prosecuting the present application. The U.S. attorney consequently allowed the present application to become abandoned by not responding to the above-noted Office Action.

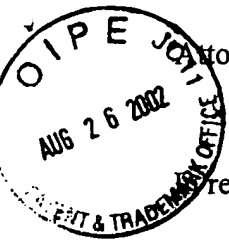
9. It was never my intention (and, therefore, never the intention of Assignee) to allow the present application to become abandoned. Moreover, the fact that the present application had become abandoned was not communicated to me when the U.S. attorney received the Notice of Abandonment dated August 25, 2000. I became aware of the fact that the present application had been abandoned only in June of this year, during a review of the status of Assignee's intellectual property. Promptly upon learning that the present application had become abandoned, efforts were undertaken to prepare a response to the Office Action and a petition to revive the present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent application or any patent issued thereon.

Respectfully submitted,

Date Aug 1st, 2002

  
Motoaki Saito, M.D.



Attorney Docket No.: 6211P001

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application for:

Johannes R. Gerardus De Vries

Examiner: Ngu, C.

Serial No.: 08/966,954

Art Unit: 2787

Filing Date: November 10, 1997

For: DATA PROCESSING CIRCUIT,  
MULTIPLIER UNIT WITH PIPELINE,  
ALU AND SHIFT REGISTER UNIT  
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Washington, D.C. 20231

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DECLARATION OF JAMES A. FINDER

I, James A. Finder, hereby declare that:

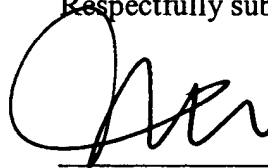
1. I and one or more associate attorneys under my supervision prosecuted the above-referenced U.S. patent application prior to the abandonment of said patent application; and

2. All instructions and other communications we received from our client regarding prosecution of said patent application were received by us directly from Mr. Addick A.G. Land of the law firm of Arnold & Siedsma in The Hague, Netherlands, including the letter dated June 23, 2000 (attached), which instructed us not to respond to the Office Action mailed on December 28, 1999.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent application or any patent issued thereon.

Date August 8, 2002

Respectfully submitted,



James A. Finder  
Reg. No.: 30,173  
Ostrolenk, Faber, Gerb & Soffen LLP

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OFFICE OF PETITIONS



## ARNOLD &amp; SIEDSMA

ATTORNEYS AT LAW EUROPEAN PATENT ATTORNEYS

OSTROLENK, FABER, GERB & SOFFEN  
1180 Avenue of the Americas  
New York, NY 10036-8403  
U.S.A.

Attn. Mr. James A. Finder

AMW

VIA FACSIMILE  
confirmation by airmail

P.O. Box 18558, NL-2502 EN THE HAGUE, 23 June 2000

Our ref: H AL/NQ07/1

Your ref: P/1034-61

Re: American continuation application 08/966,954;  
of U.S. patent application of U.S. 08/422,264  
In the name of: Arcobel Graphics  
Title: DATA PROCESSING UNIT CIRCUIT MULTIPLIER UNIT..

Dear Mr. Finder,

Thank you for your facsimile dated 10 February and the  
reminders thereof.

Please be informed that applicant is not further  
interested in the above mentioned patent application.  
We therefore request you not to make further costs in  
this case and close your file.

Yours sincerely,  
/s/ ARNOLD & SIEDSMA

André A.C. Land

## ATTORNEYS AT LAW\*

Jhr. dr. R.E.P. de Ranitz  
Mr. P.P.J.M. Verhaag  
Mr. M.A.A. van Wijngaarden  
Mr. M.W. Rijdsijk

TRADEMARK & DESIGN  
ATTORNEYS

Mr. P.P.J.M. Verhaag  
Ms L.J. Kraemer  
Ms mr. M.M.A. Galama  
Ms J. Zandberg  
Ms mr. J.H. van Bommel

## Consultants

Ir. P.N. Hoorweg  
Ir. L.M.C.J. Konings  
Ir. C.W. Bruin

## PATENT ATTORNEYS

Ir. B.J. 't Jong  
Ir. B.I.J. Schumann  
Prof. mr. ir. A. Louis  
Feisser  
Dr. ir. H.W. Prins  
Ir. A.A.G. Land  
Dra. A.J.W. Hooiveld  
Ir. P. Evkens Mante  
Ir. E. Barckh  
Ms dra. P.F.H.M.  
van Someren  
S. Duxbury B.Sc.  
Ir. J.A.M. Grootsholten  
Ms ir. M.M.J. Tabeeling  
Ir. P.J. Hyland  
Ir. B.J. 't Jong jr  
Ms dr. A. Manten  
Ir. R. Vermout

E-MAIL  
A.s.nin@  
Arnold-Siedsma.nl

THE HAGUE\*  
Sweelinckplein 1  
Tel. (070) 365 48 33  
Fax (070) 345 21 40  
Int. + 31

BRUSSELS  
Avenue  
de la Faisanderie 39  
Tel. (02) 779 4482  
Fax (02) 779 4481  
Int. + 32

MUNICH  
Isartorplatz 5  
Tel. (089) 22 38 88  
Fax (089) 29 26 95  
Int. + 49

ALICANTE  
Explanada de España 2  
Tel. (06) 52 02 174  
Fax (06) 52 02 298  
Int. + 34

Offices  
The Hague\*  
Brussels  
Munich  
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Attorney's Docket No.: 6211P001

Patent

In re the Application of: Johannes R. Gerardus De Vries  
(inventor(s))

Application No.: 08/966,954

Filed: November 10, 1997

For: Data Processing Circuit, Multiplier Unit With Pipeline, ALU and Shift Register Unit for Use in a Data Processing Circuit  
(title)

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

SIR: Transmitted herewith is an Amendment for the above application.

       Small entity status of this application under 37 C.F.R. §§ 1.9 and 1.27 has been established by a verified statement previously submitted.

       A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 and 1.27 is enclosed.

  X   No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	Claims Remaining After Amd.		Highest No. Previously Paid For	Present Extra
Total Claims	* 18	Minus	** 22	0
Indep. Claims	* 3	Minus	*** 7	0
<div>First Presentation of Multiple Dependent Claim(s)</div>				

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

SMALL ENTITY	
Rate	Additional Fee
X9	\$ 0.00
X42	\$ 0.00
+140	\$
Total Add. Fee	\$ 0.00

OTHER THAN A SMALL ENTITY	
Rate	Additional Fee
X18	\$
X84	\$
+280	\$
Total Add. Fee	\$

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on

August 20, 2002  
Date of Deposit

Julie Arango

Name of Person Mailing Correspondence

Julie Arango  
Signature

8/20/02  
Date

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\_\_\_\_\_ A check in the amount of \$ \_\_\_\_\_ is attached for presentation of additional claim(s).  
\_\_\_\_\_ Applicant(s) hereby Petition(s) for an Extension of Time of \_\_\_\_\_ month(s) pursuant to  
37 C.F.R. § 1.136(a).

\_\_\_\_\_ A check for \$ \_\_\_\_\_ is attached for processing fees under 37 C.F.R. § 1.17.

\_\_\_\_\_ Please charge my Deposit Account No. 02-2666 the amount of \$ \_\_\_\_\_.

**A duplicate copy of this sheet is enclosed.**

X The Commissioner of Patents and Trademarks is hereby authorized to charge payment of the  
following fees associated with this communication or credit any overpayment to Deposit Account  
No. 02-2666 (a duplicate copy of this sheet is enclosed):

X Any additional filing fees required under 37 C.F.R. § 1.16 for presentation of  
extra claims.

X Any extension or petition fees under 37 C.F.R. § 1.17.

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: \_\_\_\_\_

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(408) 720-8300

  
\_\_\_\_\_  
Jordan M. Becker

Reg. No. 39,602

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Application No.: 08/966,954

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Indep. Claims	* 3	Minus	*** 7	0
<div>First Presentation of Multiple Dependent Claim(s)</div>				

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X42	\$ 0.00
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X18	\$
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+280	\$
Total Add. Fee	\$

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Julie Arango

Name of Person Mailing Correspondence

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No. 02-2666 (a duplicate copy of this sheet is enclosed):

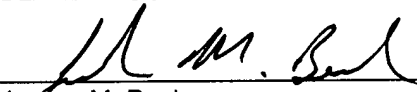
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X Any extension or petition fees under 37 C.F.R. § 1.17.

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